

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

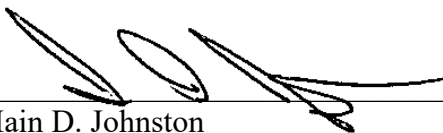
Alex James Dawson,)	
Plaintiff,)	
)	Case No. 19 CR 50058
v.)	
)	Judge Iain D. Johnston
John V. Baldwin, et al,)	
Defendants.)	

ORDER

On 7/20/2021 Magistrate Judge Jensen conducted a Pavey hearing, and on 7/30/2021 entered a Report and Recommendation that recommends denying requests to dismiss the claims against three defendants---Nicholas Hammer, Devon Rosga and Rebecca Thielen---for failure to exhaust administrative remedies because those defendants failed to meet their burden of showing by a preponderance of the evidence that the plaintiff failed to timely exhaust. Dkt. 17. In support, Judge Jensen found that a grievance naming defendants Rosga and Hammer gave sufficient notice to alert prison officials to the plaintiff's complaints about the defendants' delayed response to his calls for help after falling in the prison shower, and that a second grievance sufficiently alerted prison officials to his complaint that he received inadequate medical care following his fall, even though the grievance did not identify defendant Thielen by name. Judge Jensen gave the defendants to 8/13/2021 to object, but the defendants filed no objection. The Court has reviewed the Report and Recommendation and found it to be comprehensive and thorough. In the absence of any objection by the defendants, see 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), this Court accepts the Report and Recommendation [17] of Judge Jensen. The requests by defendants Hammer, Rosga and Thielen to dismiss the claims against them based on their affirmative defense of failure to exhaust is denied.

Date: September 1, 2021

By:



Iain D. Johnston
United States District Judge